

REMARKS

In the Office Action of December 28, 2007, the Examiner states that the structure of the microfluidic channel arrangement that in part affects capillarity to induce liquid movement is unclear. The capillarity of a channel is an inherent feature of a channel. The factors that affect capillarity are well known to one of ordinary skill in the art. It is important that the channels have the claimed capillarity in order for the invention to function and one of ordinary skill may achieve the claimed capillarity in any suitable manner.

The Examiner rejects claims 1-11, 20 and 23 as being both anticipated and obvious over US 2002/0195463 (Seki). It is unclear why the claims are rejected as being anticipated by Seki when the Examiner states, in a separate rejection, that Seki does not disclose all of the claimed subject matter. In the obviousness rejection, the Examiner states that Seki does not disclose a channel configuration having first and second channels with specific capillarity or capillary force inducing properties. This statement negates the Examiner's rejection based on anticipation.

In the rejection of claims 1-11, 20 and 23, the Examiner states that Seki does not disclose a channel configuration having first and second channels with specific capillarity or capillary force inducing properties but relies upon the premise that a claim can be proved obvious merely by showing that the combination of known elements was obvious to try. The combination of familiar elements is likely to be obvious when it does no more than yield predictable results. While this may be true, it does not relieve the Examiner of showing that the elements are known or familiar, as stated above, but rather gives motivation to combine elements that are shown to be known or familiar. In this case, the Examiner has not shown that the elements not disclosed by Seki are known, as there is no secondary reference. The secondary references used to reject the remaining claims do not cure the defect of the rejection of claims 1-11, 20 and 23.

Despite the above arguments that the Examiner's rejection are flawed and should be withdrawn, Applicant has amended the claims to further define the invention. Seki does not disclose a recess in the second channel and such is not necessary for the functioning of Seki's device. Seki's device produces small droplets whereas the invention meters amounts of fluids larger than droplets.

Claim 1 has been amended to state that each second channel is a discrete flow path having its own fluid output. Antecedent basis for this feature can be found in paragraphs [0016] and [0028]. Each second channel being individual refers to the fact that each second channel is separate from one another without a fluidic connection between them. The second channel is disclosed by Seki et al open into a collection channel. This channel forms a fluidic connection between the second channels and the metered amounts of fluid emerge into one amount. In contrast thereto, the invention obtains separately metered fluids at the outlet of each channel, each metered amount may be treated individually.

New claim 28 corresponds to amended claim 1 of Amendment B which was not entered.

The claims are allowable and favorable action is eagerly and earnestly solicited. A one month extension of time accompanies this response. If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account No. 08-2455.

Respectfully submitted,



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